

**SUMMERDALE ORCHARDS, BLOCK 4, LOT 23A, AP
EXPEDITED MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER:

Tristan Riddell *TR*

**REVIEWED/
APPROVED BY:**

Renee Van Hoven *RV*

PUBLIC MEETING:

BCC Site Visit:

June 22, 2006

BCC Public Meeting:

June 27, 2006

Deadline for BCC decision (35 working days)

July 26, 2006

APPLICANT/OWNER:

Anthony Piscopo
143 Grace Lane
Stevensville, MT 59870

REPRESENTATIVE:

Kammerer Environmental
PO Box 134
Stevensville, MT 59870

LOCATION OF REQUEST: The property is located northeast of Corvallis on Nordhiem Road (Map 1).



Map 1: Location Map

(Data Source: Ravalli County Planning Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

NW1/4 of Section 35, T7N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on June 6, 2006. Agencies were notified of the subdivision and comments received by the Planning Department are Exhibits A-1 through A-3 of the staff report.

LEGAL NOTIFICATION:

No legal advertisement is required for expedited minor subdivisions. Notice of the project was posted on the property and adjacent landowners were notified by certified mail postmarked June 13, 2006. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property	Residential
North	Agricultural
South	Agricultural
East	Agricultural
West	Agricultural

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 27, 2006

SUMMERDALE ORCHARDS, BLOCK 4, LOT 23A, AP
TWO-LOT EXPEDITED MINOR SUBDIVISION

RECOMMENDED MOTION

That the Summerdale Orchards, Block 4, Lot 23A, AP Expedited Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

Notification of Irrigation Ditch/Pipeline Easements. Within this subdivision there are irrigation easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows irrigation easements on the property. All downstream users must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act which damages or destroys a ditch/pipeline, interferes with its operation or maintenance in any way, or restricts access to the ditch/pipeline so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. *(Effects on Agricultural Water User Facilities)*

Limitation of Access onto a County Road. A "no ingress/egress" restriction is located along the Nordhiem Road frontage of the subdivision, excepting the approach to the common access that is approved by the Ravalli County Road and Bridge Department, which precludes vehicular access onto this County-maintained road. This limitation of access may be lifted or amended with approval of the County. *(Effects on Local Services & Effects on Public Health and Safety)*

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. (See Exhibit A-1 for required provisions.) *(Effects on Agriculture and Wildlife and Wildlife Habitat)*

Waiver of Protest to Creation of RSID/SID. Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community waste water treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. *(Effects on Public Health & Safety)*

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

Access Requirements for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", maximum grade of 6%, and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the Uniform Fire Code. Please contact the Corvallis Rural Fire District at PO Box 13, Corvallis, MT, for further information on the requirements of the Corvallis Rural Fire District and/or the Uniform Fire Code. *(Effects on Local Services & Effects on Public Health and Safety)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post County-issued addresses at the intersection of the driveways leading to the residences as soon as construction on the residences begins. *(Effects on Local Services & Effects on Public Health and Safety)*

Amendment. The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. The applicant shall make a contribution to be determined by the Planning Board to the Corvallis School District prior to final plat approval. *(Effects on Local Services)*

5. The applicant shall provide a letter from the Corvallis Rural Fire District stating that they have provided the required 1,000 gallons per minute water supply or 2,500 gallons per minute water storage for fire protection for each lot within this subdivision. Alternatively, the applicant may provide evidence of a \$500 contribution made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services & Effects on Public Health and Safety)*
6. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services & Public Health and Safety)*
7. The final plat shall show a no ingress/egress zone along the Nordheim Lane frontage of the subdivision, excepting the existing approaches to the lots. *(Effects on Local Services & Effects on Public Health and Safety)*
8. The applicants shall provide for an additional five feet of public road and utility easement along the Nordheim Lane frontage of the subdivision on the final plat. *(Effects on Local Services)*
9. The applicant shall provide for a 10-foot wide irrigation easement centered on the buried irrigation pipeline traversing the southern portion of Lot 23-A2 on the final plat. A 10-foot wide irrigation easement shall also be provided across Lot 23-A2 to serve Lot 23-A1. *(Effects on Agricultural Water User Facilities)*

INTRODUCTION

Summerdale Orchards, Block 4, Lot 23A, AP is a two-lot expedited minor subdivision proposed on 9.70 acres. The property is located approximately 3 miles northeast of Corvallis off Nordhiem Road. It is located in the Corvallis School District and the Corvallis Rural Fire District. There are currently two existing single family residential structures on the property.

Staff is recommending conditional approval of the subdivision.

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The property is not currently being used for agriculture and no additional homes will be added with this proposal.
2. The property is adjacent to agricultural properties. To mitigate impacts on agriculture, a notification of proximity to agricultural operations shall be included in the Notifications Document and the covenants shall include a provision requiring owners to control domestic pets. (*Condition 1*)
3. There are no Prime Farmland Soils or Farmland of Statewide Importance associated with this property.

Conclusion of Law:

With the mitigating condition, impacts of this subdivision on surrounding agricultural practices should be minimized.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. According to the application, the property has water rights from the Big Ditch, distributed by the Bitterroot Irrigation District (BRID). There are 9.70 acres currently under irrigation. The water rights are proposed to be divided among the lots.
2. An irrigation pipeline owned by the Summerdale Water Distribution Co. traverses through the southern portion of the property and the existing easement width is unknown. To mitigate impacts on agricultural water user facilities, the applicant shall provide for a 10-foot wide irrigation easement on the final plat and a notification of all irrigation easements shall be included in the Notifications Document. The applicant shall also provide a 10-foot wide irrigation easement across Lot 23-A2 to serve Lot 23-A1. (*Conditions 1 & 9*)
3. Since the water rights are held by the Bitterroot Irrigation District and not by the property, an irrigation plan is not required.
4. When irrigation facilities are to be altered or relocated, the applicant is required to submit a letter of approval from BRID.
5. Installation of irrigation infrastructure is required to be completed prior to final plat approval.

Conclusion of Law:

Impacts to agricultural water user facilities will be minimized through the mitigating condition and requirements of final plat approval.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. The applicant is required to pay the pro-rata share of the cost to improve the portions of substandard County-maintained roads that lead to the subdivision from Eastside Highway to meet County standards.
2. There are two existing accesses off Nordheim Lane to the property. These accesses will continue to serve the existing dwellings.
3. Nordheim Lane is a County-maintained road that provides direct access to the subdivision. The easement along the frontage of Nordheim Lane is 50 feet wide. To mitigate impacts on local services, the applicant shall provide for an additional 5 feet of public road and utility easement along the Nordheim Lane frontage. (*Condition 8*)

4. To mitigate impacts on local services, a no-ingress/egress zone shall be placed along the Nordheim Lane frontage of the subdivision, excepting the existing accesses and a notification of the limitation of access shall be included in the Notifications Document. (*Conditions 1 & 7*)
5. Individual wells and septic systems are proposed to serve the lots. (*See Natural Environment*)
6. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (*Conditions 2 & 3*)
7. Bitterroot Disposal provides service to this site.
8. The applicants are not proposing a contribution to the Corvallis School District. To mitigate impacts of the proposal on the School District, the applicants shall contribute an amount to be determined by the Planning Board to the Corvallis School District prior to final plat approval. (*Condition 4*)
9. The subdivision is located within the Corvallis Rural Fire District. The Corvallis Rural Fire District has provided general comments on subdivision proposals, indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements. Conditions of approval will meet the recommendations of the Corvallis Rural Fire District. (*Exhibit A-2*) (*Conditions 2, 5 & 6*)
10. Adequate public services are available to the subdivision.
11. The Ravalli County Sheriff's Office provides law enforcement services to this area.

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be mitigated.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur. (*Exhibit A-3*)
2. To mitigate air pollution resulting from home heating emissions, protective covenants shall be filed with the final plat stating that the primary heat source for any newly constructed residences must be at least 75% efficient. (*Condition 2*)
3. An approved noxious weed and vegetation control plan is required to be filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. To mitigate impact on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (*Condition 2*)

Conclusion of Law:

Impacts from this subdivision on the natural environment will be minimized with the requirements of final plat approval and imposition of mitigating conditions.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within the Montana Fish, Wildlife, and Parks (FWP) identified big game winter range and there are no species of special concern listed in the vicinity of the property.
2. FWP requested that living with wildlife provisions be included in the covenants to mitigate

impacts on wildlife and wildlife habitat. (Exhibit A-1) (*Condition 2*)

Conclusion of Law:

With the condition of approval, the proposed subdivision will likely have a minimal impact on wildlife.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 & 6*)
2. The proposed subdivision is located within the Corvallis Rural Fire District and with Conditions 2, 5 and 6, impacts to the District will have been addressed.
3. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (*Condition 2*)
4. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants shall include a statement regarding radon exposure. (*Condition 2*)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a

landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. There is no existing zoning on the property.
2. There are no existing covenants on the property.

Conclusions of Law:

The property has no zoning or covenants.

PROVISION OF EASEMENTS FOR UTILITIES

Finding of Fact:

- The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Telephone.
- Utility certificates are a requirement of final plat approval.

Conclusion of Law:

Utility services will be available to this subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via Nordheim Lane and Quast Lane, which are County-maintained roads. (*Local Services*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.



Montana EXHIBIT A-1 **Wildlife & Parks**

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
February 22, 2006

Jean Kammerer
Kammerer Environmental Consulting
POB 134
Stevensville, MT 59870

Dear Ms. Kammerer:

Reference: Summerdale Orchards, Lot 23A (Blk 4)--Proposed minor (2 lots on 9.7 acres) subdivision, ~2 miles east of Corvallis

We have reviewed the amended subdivision plat and topographic map for this proposed subdivision and we offer the following.

1. This subdivision is located in the foothills that rise easterly into the Sapphire Mountains. There are nearby creeks, canals and topographic features favored by wildlife as habitat and movement corridors, as well as nearby agricultural fields. Wildlife such as deer, coyote, fox, and skunk are likely to be found in the area, as well as possible elk, black bear and mountain lion, and numerous small mammal and bird species. There is a general probability of human/wildlife conflicts if residents do not pay attention to careful handling of garbage, pet control, etc. We recommend a "living with wildlife" section be included as a covenant for this subdivision in order to help residents deal with and avoid potential wildlife issues. We have attached a copy of our recommended covenants.
2. We notice that intermittent Soft Rock Creek flows west to east, a little to the north of this subdivision. If any part of the northern boundary of this subdivision is within 50 feet of the creek, then we recommend delineating a "no build/alteration buffer zone" on those portions of the plat within 50 feet of the creek. We also recommend that riparian covenants be considered for this subdivision, which would help protect this side drainage from degradation and decrease its potential to contribute to sediment or pollution sources ultimately entering Soft Rock Creek. We have enclosed a possible version of such riparian covenants.

Thank you for providing the opportunity for MFWP to comment on this subdivision issue. Please contact Sharon Rose (shrose@mt.gov, 542-5540) if you would like an electronic version of these covenants.

Sincerely,

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Dept., Attn: Renee Van Hoven, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and dogs. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to

public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Bird feeders** attract bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets [and/or livestock]** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil..)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These “living with wildlife” covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

Section __: Riparian Area

Portions of this subdivision are within 50 feet of Soft Rock Creek, and these are delineated on the plat as a "no build/alteration buffer zone." The following restrictions apply to this buffer zone:

1. No building, no new roads or alteration of these areas are allowed.
2. No motorized use. Only foot traffic is allowed in the buffer zone.
3. Keep livestock out of the riparian area. Develop off-stream watering facilities (e.g., water troughs) for livestock, and use fences if necessary to keep livestock from trampling and grazing riparian vegetation.
4. Do not cut or remove live or dead vegetation, particularly shrubs and trees. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
5. Do not plant lawns in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
6. In summary, allow riparian areas to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
7. These riparian covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

IC 64 03 361

The Corvallis Rural Fire District has established the following requirements for new proposed subdivisions within its district. The requirements were established with consideration for life, safety of the residents of the district, as well as the Volunteers who are called upon to protect the district, and to mitigate harm to the public health and environment.

When establishing the requirements, emphasis was given to the Uniform Fire Code, Articles 9 and 10, and Appendix III-A, the Ravalli County Subdivision Regulations, the Ravalli County Road Department standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire protection systems, and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the UFC (Uniform Fire Code) and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with their definitions in the above mentioned publications.

Development Name: A.P. Lot 1, Blk 9, Sunnyside Orchards #3 (3rd Submittal)

Number of Lots: 3

Developer(s) Name: ?

The Fire Department requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the Uniform Fire Code (UFC) Section 902, which reads in part:

902.2.1 Required Access: Fire apparatus shall be provided in accordance with Sections 901 and 902.2 for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45,720 mm) from fire apparatus access, as measured by an approved route around the exterior of the building or facility...

EXCEPTIONS: When buildings are completely protected with an approved automatic sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the Chief.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of no less than 20 feet (6096 mm) and an unobstructed vertical clearance of no less than 13 feet 6 inches (4115 mm).

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus, and shall be provided with a surface to provide all-weather driving capabilities.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the Chief. {The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County. The Resolution sets the maximum acceptable road grade by the County for dedication and maintenance at six percent (6%).}

While not all parts of the UFC Section 902 are listed above, it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the UFC and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requires that all lots (premises) meet the requirements of UFC 901.4.4 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above UFC. It appears that the access to all lots will be adequate if built as submitted.

WATER SUPPLY REQUIREMENTS:

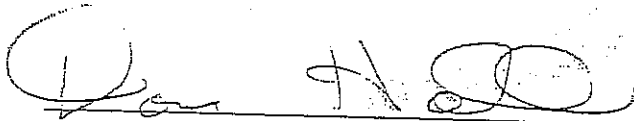
The water supply required by the Uniform Fire Code for one or two family dwellings, not exceeding 3600 square feet, requires a flow rate of 1000 g.p.m. The code does not specify the duration of flow for one and two family dwellings; however, the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2500 gallons per lot.

The Corvallis Rural Fire District currently has an ISO Class 5 Residential rating which requires a water flow of 200 gallons per minute for a duration of 20 minutes, or a total flow of 4000 gallons per residence.

Considering the above information, the Fire District will accept a water supply of 1000 gallons per minute or 2500 gallons per lot of stored water. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision.

The Fire District realizes the financial burden of installing and maintaining a water supply and/or storage tanks capable of providing the required water flows, and is willing to accept a payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the UFC. The payment per lot must be paid upon approval of the Subdivision. The Fire District will then, upon its elective, purchase fire fighting apparatus or develop water supplies.

EXCEPTIONS: When buildings are completely protected with an automatic sprinkler system approved by the Chief, the above listed water supply may be reduced by 50%. The Subdivision Covenants must state that "All residences constructed within the Subdivision be completely protected with an approved automatic sprinkler system." The Fire District will provide a \$250.00 reimbursement to those residences with an approved automatic sprinkler system.



Chairperson

Date

RECEIVED

FEB 03 2006

Ravalli County Planning Dept.



IC-06-02-187

Environmental Health
215 South 4th – Suite D
Hamilton, MT 59840
(406)375-6268 FAX (406)375-2048

MEMORANDUM

TO: Ravalli County Planning Department

FROM: Morgan T. Farrell, R.S., Environmental Health

DATE: 2-6-06

RE: SUMMERDALE ORCHARDS, BLOCK 4, LOT 23-A, PP

The Ravalli County Environmental Health Department has received the above-referenced proposal for review. Based on the information provided, the application appears to be sufficient for subdivision review. The Sanitation in Subdivision review will be completed in accordance with the contract with the Department of Environmental Quality. Additional questions or comments may be required based upon the continued review of this file and the content of future submittals.

KAMMERER CONSULTING